

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-704

September 29, 2003

CENTRAL MAINE POWER COMPANY
Request for Exemption from the Town of
Kittery's Zoning Regulations

NOTICE OF PROCEEDING

On September 23, 2003, Central Maine Power Company (CMP) petitioned the Commission to grant, pursuant to 30-A M.R.S.A. § 4352(4) and through an expedited procedure, a partial exemption for the Town of Kittery's Land Use and Development Code Zoning Ordinance ("Ordinance") in order for CMP to construct and operate a new 34.5 kV transmission line and new substation in Kittery as part of a transmission project in Southern York County. The Southern York County transmission project was the subject of a 10-person complaint case at the Commission, Docket No. 2002-665. That docket was resolved by an Order Approving Stipulation on August 14, 2003.

CMP requests that the Commission waive the portion of Kittery's Zoning Ordinance which requires CMP to receive a special exception for the transmission line from Kittery's Zoning Board of Appeals (ZBA) as part of the local permitting process. CMP asserts that the ZBA denied CMP the special exception by vote on September 9, 2002. The ZBA denied CMP's application, according to CMP, on the sole basis that CMP's transmission line project would not maintain the property values of some of the property that would abut the project. CMP asks that the Commission use its authority under Title 30-A, section 4352(4) to exempt CMP from the requirements of the Kittery ordinance.

The Commission will process CMP's petition as an adjudicatory proceeding. CMP served its filing on the Office of the Public Advocate (OPA) and the Town Manager of Kittery. This notice will be sent by electronic mail to the OPA, the Kittery Town Manager, and Kerrin McColl, a resident of Kittery who has asked to be placed on the service list of this docket. The notice will also be sent by regular mail to all persons on the service list to the complaint case, Docket No. 2002-665, and to the list of property owners whose property abuts the proposed transmission line in Kittery. (The list was compiled by CMP for purposes of providing notice of one of its environmental permit applications).

Persons who desire to participate in this proceeding as a party must file a petition to intervene. Petitions to intervene must include a statement on how the petitioner is affected by this Commission proceeding and must be filed with the Administrative Director, Public Utilities Commission, 242 State Street, Augusta, Maine 04333 by **October 7, 2003**. A copy of each petition to intervene should also be sent to Central Maine Power Company, Regulatory Affairs, 83 Edison Drive, Augusta, Maine 04336.

An initial case conference will be held at the Commission on **October 8, 2003 at 1:30 p.m.** The purpose of the conference will be to rule on petitions to intervene and to discuss the order of processing of the case. Persons may be able to participate in the conference by telephone, by making arrangements to do so with my secretary, Lorry Plante, who can be reached at (207) 287-1566.

Dated at Augusta, Maine, this 29th day of September, 2003.

BY ORDER OF THE HEARING EXAMINER

James A. Buckley